vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.6390 OF 2004**

Suryakant Raghunath Sabale ... Petitioner

V/s.

Deccan Education Society & Ors. ... Respondents

Mr.A.Pratinidhi for Petitioner
Mr.Uday Warunjikar for Respondents

a/w
**WRIT PETITION NO.6347 OF 2004**

Deccan Education Society & Ors. ... Petitioners

V/s.

Shri Sanjay J. Naik & Ors. ... Respondents

Mr.Uday Warunjikar for Petitioners
Mr.A.Pratinidhi for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 16, 2005**

**P.C.:**

. These two petitions challenge the same order of the School Tribunal dated 21.4.2004. Writ Petition No.6390 of 2004 had been filed by the person who has been promoted in place of the appellant before the School Tribunal. This Writ Petitioner was not heard before the School Tribunal and, therefore, this Petition. The Education Society has filed writ petition

No.6347 of 2004 challenging the order of the School Tribunal on various grounds.

2. In my view, the Tribunal obviously committed an error by deciding the issue without hearing the incumbent in the post, that is, Shri Suryakant Sabale, the Petitioner in Writ Petition No.6390 of 2004.

3. In view of this, the impugned order is set aside and the appeal No.116 of 2000 is remanded to the School Tribunal for hearing it afresh. The Petitioner in Writ Petition No.6390 of 2004 will be joined as party respondent by the appellant before the Tribunal within two weeks from today. The newly added party-Respondent will be permitted to file his written statement within two weeks thereafter. He shall also be permitted to file any documents on which he chooses to rely within two weeks after filing the written statement. The School Tribunal shall then dispose off the appeal on or before 31.3.2006.

4. The Petitioner in Writ Petition No.6347 of 2004 has already filed its documents and, therefore, there is no need for them to file any further documents in the matter.

5. Petitions are accordingly disposed off.